

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

DANIEL'S DEN, INC.,

Plaintiff

v.

CIVIL ACTION NO. 3:15-15853

ERIE INSURANCE PROPERTY  
AND CASUALTY COMPANY,

Defendant.

**MEMORANDUM OPINION AND ORDER**

Pending is Defendant Erie Property and Casualty Company's Motion under Federal Rule of Civil Procedure 42(b) to bifurcate Plaintiff's breach of contract claim (Count I) from his bad faith claim (Count II) and to stay discovery on the bad faith claim. ECF No. 11. Based on the following, the Court **DENIES** Defendant Erie's Motion.

In its Motion, Defendant Erie argues, generally without elaboration, that bifurcation would prevent any prejudice that may result from a jury deciding the breach of contract claim at the same time as the bad faith claim. Defendant Erie also contends that bifurcation would promote judicial economy because resolution of the breach of contract claim will resolve the bad faith claim. Neither argument is persuasive.

The Court is guided by the principles and reasoning stated in *Chaffin v. Watford*, No. 3:08-0791, 2009 WL 772916, at \*1 (S.D.W. Va. Mar. 18, 2009) (Chambers, J.). The defendant in *Chaffin* made the same arguments that Defendant Erie makes here. The facts of the present case provide no reason for this Court to depart from its reasoning in *Chaffin*. Finding the threat of prejudice too vaguely asserted by Defendant Erie to warrant bifurcation, and finding no judicial

economy in bifurcating these claims at this early stage, the Court **DENIES without prejudice** Defendant Erie's Motion to Bifurcate and Stay Bad Faith Claims. Defendant Erie may refile its motion after discovery is complete.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: June 24, 2016

  
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ROBERT C. CHAMBERS, CHIEF JUDGE